

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director
954-797-1101

SUBJECT: Rezoning/Ordinance
Nob Hill Park of Commerce
ZB 1-1-02
Higgins-Deni & Associates, Petitioner
Helen and Arthur Kohn, Owner

AFFECTED DISTRICTS: District 3

GENERAL LOCATION: 2351 State Road 84/Generally located on the south side of SR 84, approximately one-quarter mile east of Bright Road.

REPORT IN BRIEF: This request is to rezone 5.53 acres of land from A-1, Agricultural District (County) to, CC, Commerce Center District. The site to to be included as part of a previously approved 37 acre development located on the south side of State Road 84 to the east of Bright Road, known as the Nob Hill Park of Commerce.

The requested rezoning to Commerce Center is consistent with the underlying land use category of Commerce/Office and also consistent with the Town's desire to eliminate inconsistent County zoning districts from the Town's zoning map. In addition, the property is surrounded by Commerce Center to the west, south, and east of the subject site.

PREVIOUS ACTIONS: The Town Council voted to deny the rezoning request on May 15, 2002 (motion carried 4-1, Vice Mayor Clark voted against the motion). On June 5, 2002 the item was reconsidered. Subsequently, on June 19, 2002, the item was tabled to the July 3, 2002 meeting (motion carried 5-0).

CONCURRENCES: The Planning and Zoning Board recommended approval at its April 24, 2002 meeting (motion carried 3-0, Vice-Chair Bender and Mr. Waitkus absent).

RECOMMENDATION(S): Motion to approve.

Attachment(s): Ordinance, Staff Report, Survey, Land Use Map, Subject Site Map, Aerial

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT (COUNTY), TO CC, COMMERCE CENTER DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-1, Agricultural District (County), to CC, Commerce Center District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from from A-1, Agricultural District (County), to CC, Commerce Center District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the zoning map heretofore adopted by the Town Council be

and the same is hereby amended to show the property described in Section 1, herein, as CC, Commerce Center District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2002.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2002.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002.

Exhibit “A”

SKETCH OF BOUNDARY SURVEY

DESCRIPTION

East 294 feet of the South 369 feet of Tract 1. Tier 97 less the West 150 feet of the North 45 thereof. together with that portion of the East 294 feet of Tract 2. Tier 97 lying North of the South line of Section 7. Township 50 South. Range 41 East. all in NEWMAN'S SURVEY. Recorded in Plat Book 2 Page situate in Broward County. Florida.

Application #: ZB 1-1-02
Exhibit "A":
Original Report Date: 4/15/02

Revisions: 6/21/02

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

Owner:

Name: Helen and Arthur Kohn
Address: 150 West End Ave. #5-L
City: NY, NY 10023
Phone: 212-595-6781

Agent:

Name: Higgins-Deni Associates
Address: 1721 N. State Road 7
City: Margate, FL 33063
Phone: 954-971-0540

BACKGROUND INFORMATION

Notification Date: 4/16/02 **Number of Notifications:** Six (6)

Application Request: To rezone 5.53 acres of land **From**, A-1, Agricultural District (County) **To**, CC, Commerce Center District.

Address/Location: 2351 State Road 84/Generally located on the south side of SR 84, approximately one-quarter mile east of Bright Road

Land Use Plan Designation: Commercial

Zoning: A-1, Agricultural District (County)

Proposed Zoning: CC, Commerce Center District

Existing Use: Vacant

Proposed Use: Office/Warehouse

Parcel Size: 5.53 acres (240,886 square feet)

Surrounding Land Use:

Future Land Use Designation

North:	Access road and State Road 84	Transportation
South:	vacant / proposed office/warehouse	Commerce/Office
East:	vacant	Commerce/Office
West:	vacant / proposed office/warehouse	Commerce/Office

Surrounding Zoning:

North: Transportation
South: CC, Commerce Center District
East: CC, Commerce Center District
West: CC, Commerce Center District

ZONING HISTORY

Related History: The property was annexed into the Town of Davie through House Bill 880, effective October 1, 1981.

DEVELOPMENT PLAN DETAILS

The rezoning is required to complete the development of the Nob Hill Park of Commerce. The original site plan was for a total of 37 acres. The addition of the 5.53 contiguous acres will increase the overall site for the Nob Hill Park of Commerce to 43 acres.

The petitioner has filed a site plan modification application to include the subject site (5.53 acres) within the previously approved site plan, SP 5-1-01, 37 Acres of Commerce, now known as the Nob Hill Park of Commerce- Phase II.

Applicable Codes and Ordinances

Land Development Code Section 12-307, Review for Rezoning.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 6. This area includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flex has been applied to industrial land use plan designated lands on both sides of the Davie Road corridor between State Road 84 and Nova Drive. The Town is encouraging development and redevelopment of properties within this area to strengthen the Town's non-residential tax base for the future.

Broward County Land Use Plan: This property falls within flexibility Zone 100. The underlying land use is consistent with the Broward County Land Use Map.

Applicable Goals, Objectives & Policies:

Future Land Use Policy 8-1: The Commerce/Office category shall provide for the suitable location of office complexes and multi-use developments in a campus-like setting consistent with policies directing the location of commercial and industrial land uses.

Staff Analysis

The original site plan for the overall 43 acre development was submitted and approved prior to the Master Development Plan Ordinance. Staff has reviewed the 5.53 acre rezoning as incidental to the primary application, and hence did not require the full master development plan be submitted. Staff did require that the required Master Development Plan application information be submitted concurrently with the rezoning application, although not tied together for approval. As such, staff has received and preliminarily reviewed a traffic study and overall site plan for both the main parcel of 37 acres and the 5.53 acre parcel, which is the subject of this rezoning request.

The Town of Davie requests that properties located within the Town with an old Broward County zoning designation rezone to a Town of Davie zoning category prior to any site development approval. In the case of this proposed rezoning, the requested rezoning to Commerce Center is consistent with the underlying land use category of Commerce/Office and also consistent with the Town's desire to eliminate inconsistent County zoning districts from the Town's zoning map. In addition, the property is surrounded by Commerce Center to the west, south, and east of the subject site.

Findings of Fact

Section 12-307(A)(1)

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

- (d) The proposed change will not adversely affect living conditions in the neighborhood;
 - (e) The proposed change is not expected to create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
 - (f) The proposed change will not adversely affect other property values;
 - (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;
 - (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
 - (i) There are not substantial reasons why the property cannot be used in accord with existing zoning.
 - (j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.
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Staff Recommendation

Recommendation: Staff recommends that the subject report, on the reclassification of property, be reviewed and discussed by the Planning and Zoning Board and Town Council so that a recommendation and final decision may be rendered.

Planning and Zoning Board

The Planning and Zoning Board recommended approval at the April 24, 2002 meeting, motion carried 3-0. (Vice-Chair Bender and Mr. Waitkus were absent)

Town Council

The Town Council voted to deny the rezoning request on May 15, 2002 (motion carried 4-1, Vice Mayor Clark voted against the motion). On June 5, 2002 the item was reconsidered. Subsequently, on June 19, 2002, the item was tabled to the July 3, 2002 meeting (motion carried 5-0).

Exhibits

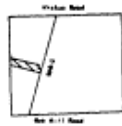
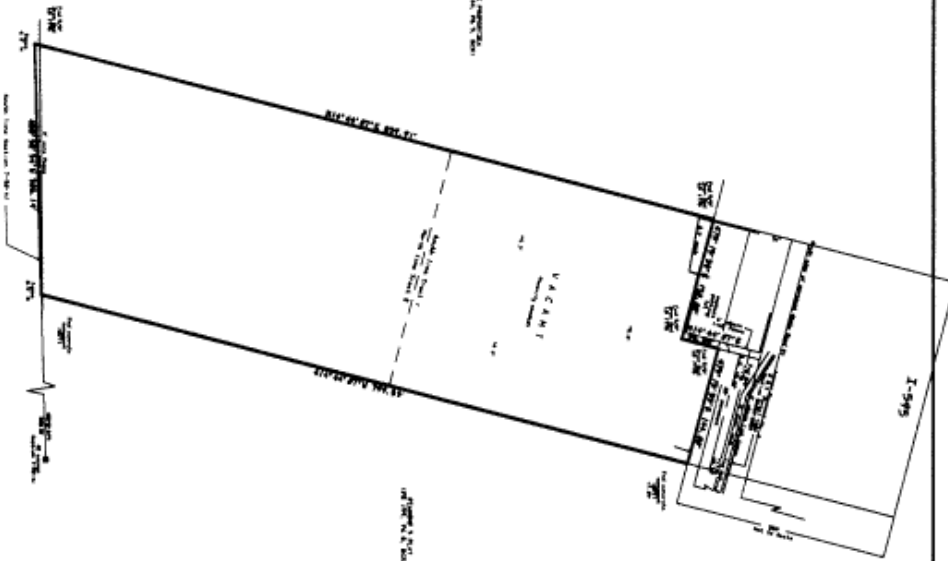
1. Survey
2. Land Use Map
3. Subject Site Map
4. Aerial

Prepared by: _____

Reviewed by: _____

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MD-44-684

4/29/02

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1997年12月

摘要

Town Boundary

TRANSPORTATION

SPECIAL CLASS
RESIDENTIAL
8.5 DU/AC

RESIDENTIAL
5 DU/AC

SUBJECT SITE

COMMERCIAL

COMMERCIAL/OFFICE

RESIDENTIAL 10 DU/AC

RESIDENTIAL
5 DU/AC

PETITION NUMBER
ZB 1-1-02
Subject Site Area
Future Land Use Plan

N
4

2/5/02 Scale: 1" = 300'
PREPARED BY: TOWN OF DAVIE
PLANNING & ZONING DIVISION - GIS



SUBJECT SITE

N DATE FLOWN
JANUARY 1998
SCALE: NTS
ZB 1-1-02
PREPARED BY: TOWN OF DAVIS
PLANNING & ZONING DIVISION

